IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1802 OF 2005
IN
CASE NO. 2780/SS/2005

M/s.Bhavan Jivraj Co.Pvt.Ltd.
and Anr. ..Petitioners

Vs.

M/s. Sumeet Exports and Anr...Respondents

...
Mr. Jahangir Khajotia Advocate for Petitioners
Mr. Rajesh More, A.P.P. for the State
...

CORAM: SMT.V.K.TAHILRAMANI,J.

DATE : JULY 25,2005

P.C.

1. Heard the learned advocate for the petitioners.

2. The petitioners are seeking quashing of process issued by the learned M.M.22nd Court at Small Causes Court, Mumbai in C.C.No.2780/SS/2005. In the said case process is issued under Section 138

of Negotiable Instruments Act.

3. However, for the reasons recorded in my order dated 13th June, 2005 in W.P.No. 213 of 2005 and dated 21st June, 2005 in Cri.Application No.550 of 2005, I am of the opinion that the petitioners have an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the petitioners prefer a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the petitioners to prefer the necessary revision before the concerned Sessions Court. The learned advocate for the petitioners makes a statement that the necessary revision will be preferred within four weeks from today. In view of this statement, the trial Court shall not proceed with the trial for a period of four weeks.

5. On the necessary revision being preferred by the petitioners before the concerned Sessions

Court, the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties.

6. Writ Petition is disposed of.

[V.K.TAHILRAMANI,J.]